

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Matthew J. Fader  
Chief Justice

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 22  
Criminal Procedure – Custodial Interrogation - Codification  
**DATE:** January 18, 2023  
(2/2)  
**POSITION:** Oppose

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The Maryland Judiciary opposes Senate Bill 22. Senate Bill 22 alters the definition of custodial interrogation to mean questioning by law enforcement of a person who: (1) is detained; (2) is arrested; or (3) has a reasonable belief that the person is not free to leave the encounter with the law enforcement officer. In addition, it establishes Criminal Procedure Article § 2-401.1 which states a statement made by a person during custodial interrogation is not admissible in a criminal proceeding unless the person who made the statement is advised that:(1) the person has the right to remain silent; (2) any statement made by the person during custodial interrogation may be used against the person in a criminal proceeding for the purpose of proving the commission of a crime; and (3) the person has the right to speak to an attorney before any questioning.

The Judiciary opposes this bill because Maryland State case law already has a lengthy history of jurisprudence addressing the 5<sup>th</sup> Amendment and Miranda. This bill would conflict with some of that established jurisprudence which could result in confusion.

cc. Hon. Charles Sydnor  
Judicial Council  
Legislative Committee  
Kelley O'Connor